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the reward is offered in accordance with the law by the governor a legal right might be given by law without the aid of contract. See *Broadnax v. Ledbetter*, *supra*.

SPECIFIC PERFORMANCE—CORPORATE STOCK—RIGHTS OF VENDOR.—The defendant agreed to purchase from the plaintiff certain shares of corporate stock having no market value. Upon his refusal to perform, the plaintiff brought suit for specific performance. *Held*, the plaintiff is entitled to specific performance. *U. S. Fire Apparatus Co. v. Baker Machine Co.* (Del. Ch.), 95 Atl. 294. See NOTES, p. 140.

TAXATION—DISCRIMINATION—EQUITABLE RELIEF.—A taxpayer who was willfully discriminated against, not by the overvaluation of his own property but by the undervaluation of the property of other taxpayers, having tendered the part admitted to be legal, sought to enjoin the collection of the discriminatory portion of the tax. *Held*, the injunction is granted. *Ute Creek Ranch Co. v. McBride* (N. M.), 150 Pac. 52.

A suit in equity will not lie to restrain the collection of a tax on the sole grounds of discrimination, illegality, or unconstitutionality. There must be some special circumstance to bring the case within one of the recognized sources of equity jurisdiction, as fraud, multiplicity of suits, or removal of the cloud on the title to real estate. *Dows v. City of Chicago*, 11 Wall. 108; *Shelton v. Platt*, 139 U. S. 591; *Boise Artesian Water Co. v. Boise*, 213 U. S. 276; *Heywood v. City of Buffalo*, 14 N. Y. 534. For the general state of the authority in federal and state courts concerning equitable relief from the collection of illegal or unconstitutional state or municipal taxes, see 1 VA. L. REV. 87. But injunction has been held a proper remedy to defeat the collection of the fraudulent and intentionally discriminatory portion of a tax. *Atchison T. & S. F. Ry. Co. v. Sullivan* (C. C. A.), 173 Fed. 456; *Taylor v. Louisville & N. R. Co.* (C. C. A.), 88 Fed. 350; *Chicago, etc., Ry. Co. v. Board, etc., of Republic County* (C. C. A.), 67 Fed. 411. See *Cummings v. National Bank*, 101 U. S. 153. In such cases, however, the fraud must be alleged and set out in the bill for an injunction. *Star Milling Co. v. Board of Councilmen* (Ky.), 125 S. W. 1051.

Fraud, necessary to give equitable relief against the collection of a discriminatory tax, may be implied. As in the case of a systematic rule of assessment which necessarily discriminates against a class of taxpayers or individuals in a class. *First National Bank v. Treasurer*, 25 Fed. 749. And where there is an habitual violation of a constitutional guaranty of uniform laws, by an unequal assessment of property, there is a presumption of fraud. *Taylor v. Louisville, etc., R. Co.*, *supra*. It seems that a prima facie presumption of fraud also arises, where the overvaluation is so erroneously excessive as to be out of the reason of the average man; and that, unless the presumption be overcome equity will enjoin. See *Keokuk, etc., Bridge Co. v. People*, 161 Ill. 514, 44 N. E. 206; also *Hotel Co. v. Lieb*, 83 Ill. 602. But a suit in equity will not lie to enjoin the collection of the discriminatory portion of a tax on the sole ground of errors in judgment or honestly indiscreet unequal

assessments. *Chicago, etc., Ry. Co. v. Babcock*, 204 U. S. 585; *Doty Lumber & Shingle Co. v. Lewis County*, 60 Wash. 428, 111 Pac. 562. And where a state statute requires property to be assessed at its cash value, equity will not enjoin the collection of a tax solely on grounds that other property is not taxed at its cash value, where the disputed portion of the tax has not been paid or tendered. *Albuquerque Bank v. Perea*, 147 U. S. 87.

BOOK REVIEWS

THE PREVENTION AND CONTROL OF MONOPOLIES, by W. Jethro Brown. (New York: E. P. Dutton & Company, 1915, pp. xix, 198).

It is not the purpose of the author of this volume to retrace the ground which has been covered by the many exhaustive works on the subject of monopolies, but simply to inquire "within what limits monopolies should be prevented, how the prevention should be effected, and how, where a policy of prevention is undesirable or impracticable, monopolies should be regulated or controlled." With such a scope the work has several great merits: it is written by a jurist who has had practical experience in administration as a member of the Royal Commission on the Australian Sugar Industry, and its most important data are from Australian experience, a hitherto not adequately explored field. Nevertheless, the author has kept in mind an audience wider than the Australian electorate, and while his work may be of chief importance in England, where the development of monopolies is likely to be along similar lines, it should be of great interest to American readers, not only because of the citation of American authorities, but on account of the Australian experience and the fact that the remedies suggested may soon be necessary here.

After stating the nature of his problem, Professor Brown devotes a chapter to syndicalism. He thinks a consideration of this movement necessary, for if it be found that its claims are well founded, "a discussion of the forms of public control of monopolies may be dispensed with." But it is doubtful whether this discussion is necessary, and if so, whether it is adequate; for Professor Brown does not seem to appreciate fully the concepts of the syndicalist faith. In making this criticism one is, curiously enough, reminded of Professor Brown's former volume, *The Underlying Principles of Modern Legislation*, where a chapter on Anarchy was certainly out of place.

The policies which the State may adopt in dealing with monopoly are these: limitation of the size of corporate business, publicity, legislative regulation and administrative supervision of competition, limitation of profits, regulation of profits, public competition, and nationalization. Three methods for carrying these policies into effect are possible: the aggrieved party may have the right to sue